



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

February 20, 2014

Mr. Mark Lewis
Superintendent
Biscayne National Park
9700 SW 328'h Street
Homestead, FL 33033

**RE: Biscayne National Park Supplemental Draft General Management Plan /
Environmental Impact Statement**

Dear Mr. Lewis:

Pursuant to National Environmental Policy Act (NEPA) Section 102(2)(C) and the Clean Air Act (CAA) Section 309, the U.S. Environmental Protection Agency (EPA) has reviewed the referenced Biscayne National Park Supplemental Draft General Management Plan/ Environmental Impact Statement (SDEIS). General management plans are intended to be long-term documents that establish and articulate a management philosophy and framework for decision making and problem solving in units of the national park system. General management plans usually provide guidance during a 15- to 20-year period.

Background

The 2011 Draft GMP/EIS was released to the public in August 2011 and reflected agency and stakeholder engagement throughout the entire GMP process. The National Park Service conducted public scoping meetings and workshops (in 2001, 2003, and 2009) and held three public meetings on the Draft GMP/EIS in 2011. During the public comment period in 2011, more than 18,000 public comments were received and more than 300 people attended public meetings. A key component of the agency-preferred alternative in the 2011 Draft GMP/EIS was inclusion of a marine reserve zone. Most comments were related to fishing, and in particular, the marine reserve zone. The marine reserve zone was proposed as an area in the park where fishing of any kind would be prohibited to allow a portion of the coral reef system to recover and offer visitors a high-quality visitor experience associated with a healthy, intact coral reef system.

During the August 2011 public comment period, a number of substantive comments were received that identified both positive and negative impacts related to the establishment of the marine reserve zone. In particular, individuals who fish, fishing and marine industry organizations, and the Florida Fish and Wildlife Conservation Commission with whom the

National Park Service consults regarding fishing management actions in the park, raised a number of significant issues about the NPS preferred alternative, including the marine reserve zone. The position of the State of Florida was that any consideration of a marine reserve zone could only occur after measurable management objectives have been clearly defined and less restrictive management measures have been appropriately implemented and evaluated in close coordination with agencies and stakeholders.

Based on the comments received, the National Park Service undertook an evaluative process to consider a number of management actions that could be deployed to achieve the goal of a healthier coral reef ecosystem within the zone to provide a more enjoyable and diverse visitor experience, while protecting the park's natural and cultural resources. Thus, two new alternatives were developed in consultation with the Florida Fish and Wildlife Conservation Commission and presented in this Supplemental Draft Environmental Impact Statement for public consideration. Some other comments resulted in minor changes to the text of this SDEIS or will be reflected in the Final General Management Plan / Environmental Impact Statement.

In developing the two new alternatives, the National Park Service, in conjunction with the Florida Fish and Wildlife Conservation Commission, is attempting a novel approach to managing special marine ecosystems in a way that might accomplish the same goals as a marine reserve, without completely eliminating harvest. The partner agencies believe an approach that limits access and prohibits specific activities that are most damaging to the coral reef system, implemented within the framework of an adaptive management strategy, could successfully manage special marine areas that are important to a diverse set of user groups.

Alternatives

Based on the comments received, the National Park Service undertook an evaluative process to consider a number of management actions that could be deployed to achieve the goal of a healthier coral reef ecosystem within the zone to provide a more enjoyable and diverse visitor experience, while protecting the park's natural and cultural resources. Two new alternatives (alternatives 6 and 7) were developed in consultation with the Florida Fish and Wildlife Conservation Commission and the National Oceanic and Atmospheric Administration Fisheries and presented in this Supplemental Draft General Management Plan / Environmental Impact Statement. These alternatives contain many of the same elements as the original agency preferred alternative (alternative 4), except that instead of including a marine reserve zone, the alternatives include a new concept referred to as a special recreation zone. The special recreation zone is larger than the marine reserve zone in alternative 4, but still covers only about 8% of the park.

ALTERNATIVE 1: NO-ACTION ALTERNATIVE

The no-action alternative consists of the continuation of existing management and trends at Biscayne National Park and provides a baseline for comparison in evaluating the changes and impacts of the other alternatives. The National Park Service would continue to manage the park as it is currently being managed. Existing operations and visitor facilities would continue, and no new construction would be authorized other than what has already been approved and funded.

Current law, policy, and plans would continue to provide the guidance framework. The important impacts of continuing existing management conditions and trends would include a continuation of existing adverse effects on natural resources, an adverse effect on cultural resources, a continuation of adverse effects on visitor experience, a continuation of adverse effects on park operations, and a continuation of existing effects on the socioeconomic environment.

ALTERNATIVE 6: NPS PREFERRED ALTERNATIVE

This alternative would emphasize strong natural and cultural resource protection while providing a diversity of visitor experiences. Visitor opportunities in this alternative would range from the challenges of exploring the natural environment alone to the convenience of built surroundings. A limited amount of moderate resource impacts would be tolerated in high-use areas of the park. Some visitor activities would be restricted in certain areas to protect sensitive resources and allow wildlife a respite from human contact. Other areas, such as the Legare Anchorage, would be reserved for limited types of visitor use.

As part of an adaptive management strategy, this alternative includes a special recreation zone that accommodates some recreational fishing by special permit while meeting the goal of providing a healthier coral reef ecosystem for a more enjoyable and diverse visitor experience.

Many of the existing adverse impacts to fisheries, coral reefs, submerged cultural resources, and identified listed species would persist in much of the park due to impacts associated with boating, fishing, and marine debris. However, some of these impacts would be reduced and there would be additional beneficial impacts in the special recreation zone and in other areas with protective zoning. There would also be adverse impacts to park operations and both beneficial and adverse impacts to visitor experience and socioeconomic environment. The Florida Fish and Wildlife Conservation Commission would actively participate in the implementation of alternative 6, including permitting, research, monitoring, or rule development.

ALTERNATIVE 7

Like alternative 6, this alternative would emphasize strong natural and cultural resource protection while providing a diversity of visitor experiences. Visitor opportunities in this alternative would range from the challenges of exploring the natural environment alone to the convenience of built surroundings. A limited amount of moderate resource impacts would be tolerated in high-use areas of the park. Some visitor activities would be restricted in certain areas to protect sensitive resources and allow wildlife a respite from human contact. Other areas, such as the Legare Anchorage, would be reserved for limited types of visitor use.

This alternative is similar to alternative 6 in that it incorporates an adaptive management approach to the special recreation zone. This alternative includes fishing limitations such as a seasonal fishing closure that accommodates some recreational fishing while meeting the goal of providing a healthy coral reef ecosystem for a more enjoyable and diverse visitor experience.

Many of the existing adverse impacts to fisheries, coral reefs, submerged cultural resources, and identified listed species would persist in much of the park due to impacts

associated with boating, fishing, and marine debris. However, some of these impacts would be reduced and there would be additional beneficial impacts in the special recreation zone and in other areas with protective zoning. Some of these benefits would be greater under alternative 7 when compared with alternative 6. There would also be adverse impacts to park operations and both beneficial and adverse impacts to visitor experience and socioeconomic environment.

In addition, the Florida Fish and Wildlife Conservation Commission would not participate in the research, monitoring, or rule development process associated with this alternative. All regulatory changes required under this alternative would be implemented via federal special regulation.

EPA Concerns and Recommendations

Although EPA generally supports Alternative 6: The NPS Preferred Alternative, we have concerns, as acknowledged in the SDEIS, that Park fishery resources are stressed from regional overfishing. One of the main indicators of such fishing pressure is that large specimens have been selectively extracted such that mature, large and fecund females are no longer providing their significant contribution to recruitment. Based on the current reduced population levels, fishery stocks must not only sustain the existing population but actually expand (restore) it back to sustainable levels. Consequently, the Final Management Plan (FMP) should contain fishery management measures than result in restoration to sustainable populations.

According to the SDEIS, implementation of any of the action alternatives (6,7) may improve the fishery resources of the Park above current levels. However, EPA recommends the Park restores fishery stocks to sustainable levels, at a minimum. Therefore, EPA's primary concern with the SDEIS is that the varying levels of recovery presented for the alternatives - including the preferred alternative - are not related back to sustainability.

Recommendation: To determine an appropriate metric to define a "sustainable" harvest, EPA recommends consultation with the National Marine Fishery Service (NMFS), FWS, NPS, their state counterparts such as the Florida Fish and Wildlife Conservation Commission (FWC), and the Park staff. If relevant for the commercial and/or recreational fisheries of the Park, such a metric of sustainability might be a traditional harvest level such as the Maximum Sustainable Yield (MSY) for each stressed fishery species within the Park. EPA would consider MSY as the minimum target for Park recovery. Ideally, the level of harvest could be further reduced beyond an MSY recovery to restore populations to above sustainable levels such as the Optimum Yield (OY) to increase the Park experience.

Recommendation: To the extent feasible, commitments should be made in the Record of Decision (ROD) - but preferably in the FEIS - for the implementation of fishery management measures that reach the recovery goals of each alternative presented, particularly for the preferred alternative in the FEIS. Moreover, the monitoring, performance measures and enforcement of the fishery management measures of the selected FMP should be further discussed in more detail in the FEIS and ROD.

Recommendation: The FEIS should explain using environmental information how the proposed recreational-user permit system will realize a positive impact on the size and abundance of targeted invertebrate species populations.

Recommendation: The FEIS should discuss whether a disproportionate burden is being placed on the recreational fisher by implementing a recreational-user permit and eliminating the recreational lobster sport season when the commercial fisher appears to have the greater fishery impacts. And if a disproportionate burdened is indeed being placed on the recreational fisher, the rationale for this burden placement should be discussed.

Green Building

In the spirit of collaboration and technical assistance the EPA recommends some sustainability concepts which could be considered in the final management plan.

Green building is the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle from design to, construction, operation, maintenance, renovation and deconstruction. This practice expands and complements the classical building design concerns of economy, utility, durability, and comfort. Green building is also known as a sustainable or high performance building.

Green buildings are designed to reduce the overall impact of the built environment on human health and the natural environment by:

- Efficiently using energy, water, and other resources
- Protecting occupant health and improving employee productivity
- Reducing waste, pollution and environmental degradation

For example, green buildings may incorporate sustainable materials in their construction (e.g., reused, recycled-content, or made from renewable resources); create healthy indoor environments with minimal pollutants (e.g., reduced product emissions); and/or feature landscaping that reduces water usage (e.g., by using native plants that survive without extra watering).

In the United States, buildings account for:

- 39 percent of total energy use
- 12 percent of the total water consumption
- 68 percent of total electricity consumption
- 38 percent of the carbon dioxide emissions

Potential benefits of green building can include:

Environmental benefits

Enhance and protect biodiversity and ecosystems

Improve air and water quality
Reduce waste streams
Conserve and restore natural resources

Economic benefits

Reduce operating costs
Create, expand, and shape markets for green product and services
Improve occupant productivity
Optimize life-cycle economic performance

Social benefits

Enhance occupant comfort and health
Heighten aesthetic qualities
Minimize strain on local infrastructure

Green Parking

Green parking refers to several techniques that when applied together reduce the contribution of parking lots to total impervious cover. From a storm water perspective, green parking techniques applied in the right combination can dramatically reduce impervious cover and, consequently, reduce the amount of storm water runoff. Green parking lot techniques include: setting minimums of permanent parking spaces; minimizing the dimensions of parking lot spaces; utilizing alternative pavers in overflow parking areas; using bioretention areas to treat storm water; encouraging shared parking.

Green parking lots can dramatically reduce the creation of new impervious cover. How much is reduced depends on the combination of techniques used to achieve the greenest parking. While the pollutant removal rates of bioretention areas have not been directly measured, their capability is considered comparable to a dry swale, which removes 91 percent of total suspended solids, 67 percent of total phosphorous, 92 percent of total nitrogen, and 80-90 percent of metals (Claytor and Schueler, 1996).

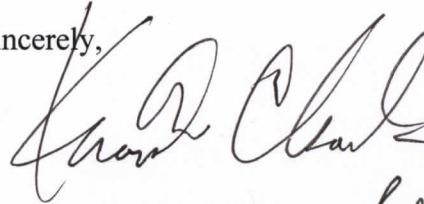
North Carolina's Fort Bragg vehicle maintenance facility parking lot is an excellent example of the benefits of rethinking parking lot design (NRDC, 1999). The redesign incorporated storm water management features, such as detention basins located within grassed islands, and an onsite drainage system that exploited existing sandy soils. The redesign reduced impervious cover by 40 percent, increased parking by 20 percent, and saved 20 percent or \$1.6 million on construction costs over the original, conventional design.

Briefly three other sustainable activities which may be applicable to the Park Service's general management plan are as follows:

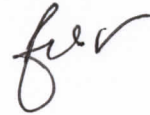
- **Green Detention Ponds**
- **Rain Water Harvesting**
- **Rain Gardens**

Thank you for the opportunity to review this SDEIS. We rate this document LO (Lack of Objections). However, as noted above, additional information, data, analyses, or discussion should be included in the FEIS. We appreciate the opportunity to review the proposed action. Please contact Ken Clark of my staff at (404) 562- 8282 if you have any questions or want to discuss our comments further.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Heinz J. Mueller".

Heinz J. Mueller, Chief
NEPA Program Office

A smaller, stylized handwritten signature in black ink, possibly reading "fcr".